IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

W. Todd Daniell

Serial No.: 10/686,346

Filed: October 14, 2003

Confirmation No. 7190

Group Art Unit: 2153

Examiner: Strange, Aaron N.

Docket No. 190250-1570

For: FILTERED EMAIL DIFFERENTIATION

**REQUEST FOR PRE-APPEAL BRIEF CONFERENCE**

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The final Office Action mailed December 12, 2007 has been carefully considered. Please consider the following remarks.

***AUTHORIZATION TO DEBIT ACCOUNT***

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

## REMARKS

### Rejections under 35 U.S.C. §103 are Improper

Claims 1-23 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Aronson* (U.S. Patent No. 6,654,787) in view of *Paul* (U.S. Patent No. 5,999,932).

A review of the *Aronson* and *Paul* references, however, reveal that the references and the proposed combination do not teach each and every limitation of Applicant's claims as is required by 35 U.S.C. §103.

For example, the final Office Action states that "Aronson does not disclose expressly a user interface configured to visually represent that a particular undesired email message was detected using a particular mechanism." Page 3. However, the Office Action asserts that "Paul discloses a user interface configured to visually represent that a particular undesired email message was detected using a particular detection mechanism." Page 3.

In reviewing the reference, *Paul* describes that an electronic mail message that is allowed in accordance with a user's inclusion list is marked with an "OK" display code. Further, an electronic message which does not match data on the user's inclusion list may be determined to be of interest to the user and is marked with a "NEW" display code. An electronic message which does not match data on the user's inclusion list may be determined to not be of interest to the user and is marked with a "JUNK" display code. *See* abstract. Each of these codes characterize the content of a respective message with regard to whether the content is of interest to the user. The

codes do not indicate a type of detection mechanism that determined the message to be undesirable.

Similarly, *Paul* describes that "e-mail messages from certain sources may be marked with a display code indicating that they have a 'PRIORITY' status. Different e-mail display colors or folders may be defined based upon the identity of the sender, or the subject matter of the messages." Col. 9, lines 25-31. Accordingly, *Paul* discloses that the codes indicate content of the message or the source of the message. The codes do not indicate a type of mechanism that detected the message to be an undesired email message.

As such, neither *Aronson* nor *Paul* suggests or teaches, individually or in combination, at least "a user interface configured to visually represent that a particular undesired email message was detected using a particular detection mechanism," as recited in claim 1. For example, *Aronson* does not disclose that spam messages are differentiated by the mechanism used to detect it. Therefore, a combination of *Aronson* and *Paul* does not teach or suggest at least all of the claimed features of claim 1 and fails to establish a *prima facie* case of obviousness.

For at least this reason, the rejection of claim 1 should be withdrawn. For similar reasons as the foregoing, claims 2-23 are also patentable over the proposed combination.

## *CONCLUSION*

As is apparent from the foregoing, the cited references are woefully deficient in disclosing Applicant's claims. Therefore, application of the cited references against Applicant's claims under 35 U.S.C. § 103 rises to the level of clear legal and/or factual error. Applicant therefore requests that the rejections of the final Office Action be withdrawn and a new, non-final Office Action, or Notice of Allowance, be issued.

Respectfully submitted,

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